

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

BRIAN SCHAAP,

Plaintiff,

v.

BENYAMA DONTE MORMAN BELL,

Defendant.

CAUSE NO.: 2:20-CV-143-TLS

OPINION AND ORDER

This matter is before the Court sua sponte. On April 8, 2020, the Plaintiff filed a Complaint against several defendants. ECF No. 1. On April 30, 2020, the Plaintiff filed an Amended Complaint, adding Benyama Donte Morman Bell as a defendant. ECF No. 17. Defendant Bell did not respond to the Amended Complaint. On April 23, 2021, the Plaintiff filed a motion for entry of default against Defendant Bell. ECF No. 58. On May 17, 2021, the Clerk of Court entered default against Defendant Bell for failure to plead or otherwise defend as provided by Rule 55(a) of the Federal Rules of Civil Procedure. ECF No. 62.

Nine months later, on February 16, 2022, the Clerk of Court notified the Plaintiff that the case may be dismissed for failure to prosecute unless he explained why he had not taken further action against Defendant Bell. ECF No. 69. After receiving the Plaintiff's status report, which explained that the Plaintiff was waiting for resolution of his claims on the merits against the other defendants, *see* ECF No. 72, the Court found that the Plaintiff had shown cause why his Complaint against Defendant Bell should not be dismissed, ECF No. 73. Additionally, the Court expressed its preference for withholding consideration of default judgment against Defendant Bell until the claims against the other defendants were adjudicated on the merits. *Id.*

Summary judgment was granted in favor of the other defendants on July 12, 2023. *See* ECF No. 91. In its Opinion and Order, the Court granted the Plaintiff up to and including August 14, 2023, to file a motion for default judgment against Defendant Bell. *Id.* at 22. That deadline has passed, and the Plaintiff has not filed a motion.

Accordingly, the Court ORDERS the Plaintiff to file a status report on or before September 15, 2023, setting forth how he intends to proceed as to Defendant Bell, against whom there has been an entry of default.

SO ORDERED on September 1, 2023.

s/ Theresa L. Springmann
JUDGE THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT